

## APPROVAL RESOLUTION NO. 16-03

RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMISSION APPROVING SPR/VAR #14-A, MINOR MODIFICATION #2, GRANTING A VARIANCE TO LAND DEVELOPMENT CODE SECTION 12.2. LANDSCAPE BUFFERS BETWEEN INCOMPATIBLE USES TO PROVIDE THE LANDSCAPE BUFFER ON THE INSIDE OF THE FENCE AND GRANTING APPROVAL OF THE REVISED LANDSCAPE PLAN FOR THE SAINT LEO UNIVERSITY PLANT OPERATIONS FACILITY WITH CONDITIONS.

WHEREAS, a Planned Unit Development (PUD) application (PUD #10-A) was approved by the Town of St. Leo Town Commission on June 4, 2010 to approve the Saint Leo University campus master plan (154.29+/- acres), and

WHEREAS, the Town of St. Leo Town Commission approved Saint Leo University Campus Master Plan PUD #10-A Major Modification #2 to expand the Saint Leo University West Campus, revise the projects list, including the Plant Operations Facility, and update the data table, pursuant to the Land Development Code (LDC) Article X, Development Review Procedures and Development Standards for General Site Plans and Planned Unit Developments, and

WHEREAS, On August 11, 2014, a site and landscape plan, and landscape buffer variance for the Plant Operations Facility was approved, and

WHEREAS, a second Minor Modification to the Plant Operations Facility requesting a variance and approval of a revised landscape plan was submitted and a public hearing was held on December 14, 2015, before the Town of St. Leo Town Commission, regarding the above referenced application, which gave full and complete consideration to the recommendations of the staff and evidence presented at the meeting.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF ST. LEO TOWN COMMISSION:

### SECTION A. REQUEST

To approve a landscape buffer variance and revised landscape plan for the Plant Operations facility.

#### Variance Request

The Applicant is requesting variances to the Land Development Code (LDC) as follows (underline added for emphasis):

- Sec. 12.2. Landscape Buffers between Incompatible Uses

*A. Required landscape buffering is in accordance with the Landscape Buffer Matrix (Table A), which establishes buffer types and requirements from abutting uses. Figure A illustrates the planting requirements for each buffer type. The buffer width requirements are based on two landscaping alternatives: the provision of landscaping only or the provision of landscaping with a fence, decorative masonry wall or berm. Where a wall or fence is provided or required by this section, all landscaping shall be in front of the wall or fence. All landscape buffers are required to be irrigated with an in-ground water efficient system and, where possible, utilize reclaimed water.*

## SECTION B. EXHIBIT A

The following documents are attached to this resolution and incorporated herein by reference:

1. Town staff report with exhibits.
2. Applicant's application and submittal documents/plans.

## SECTION C. FINDINGS AND CONCLUSIONS

Based on the staff report, variance justification and revised landscape plan submittal by the Applicant, and testimony at the public hearing meeting, the requested variance and proposed landscape plan modification will be consistent with the previously approved PUD #10-A, PUD #10-A Major Modification #2, and the Town's Comprehensive Plan and LDC provided certain conditions are met, which are listed in Section D.

## SECTION D. TOWN COMMISSION DECISION

The Town Commission APPROVES SPR/VAR #14-A Minor Modification #2 Granting Approval of the Requested Variance to provide the landscape buffer on the inside of the fence and Granting Approval of the Revised Landscape Plan for the Plant Operations project as submitted (Exhibit B and Appendix A). The project remains subject to the conditions of SPR/VAR#14-A approved on August 11, 2014 and Minor Modification #1 approved on October 12, 2015.

## SECTION E. TOWN COMMISSION MOTION

The foregoing resolution was adopted by the St. Leo Town Commission vote as follows:

Richard H. Christmas, Mayor  
James Hallett, O.S.B.  
Gregory P. Smith  
Donna DeWitt, O.S.B.  
Curtis Dwyer

DULY PASSED AND ADOPTED this 14<sup>th</sup> day of December, 2015.

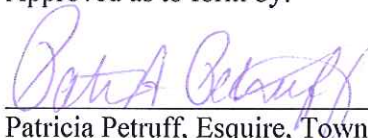
ATTEST:



  
Jean Miller, MMC, Town Clerk

  
Richard H. Christmas, Mayor

Approved as to form by:

  
Patricia Petruff, Esquire, Town Attorney

**EXHIBIT A**  
**Town Staff Report/Exhibits**  
**Applicant's Application and Supporting Documents**





Town of St. Leo

**SITE/LANDSCAPE PLAN REVIEW (SPR) STAFF REPORT**  
**SPR/VAR#14-A, Minor Modification #2: Saint Leo University Plant Operations Project**  
**Town Commission Meeting December 14, 2015**

**Property Owner:** Saint Leo University Inc.

**Applicant:** Saint Leo University Inc.

**Representative:** Eric Weekes

**Request:** Approval for a variance/minor modification to the Plant Operations Facility Site/Landscape Plan.

**Location/Legal Description:** Southeastern quadrant of McMullen Drive and Pompano Street intersection (Exhibit A).

**Property Appraiser Folio:** 01-25-20-0000-02200-0000, 01-25-20-0000-01800-0010 and 01-25-20-0020-00A00-0090.

**Land Use Designation:** Business

**Zoning:** Business

**Project Overview**

The Plant Operation project was approved on August 11, 2014. A subsequent minor modification to expand the stormwater pond and meet the related required landscaping was approved on October 12, 2015. The University is now requesting a variance to place the landscape buffer along the west and south boundary inside the fence to avoid having to trespass on the adjacent properties to provide landscape maintenance.

**Variance Request**

1. The Applicant is requesting a variance to the Land Development Code (LDC) as follows (underline added for emphasis):

- Sec. 12.2. Landscape Buffers between Incompatible Uses

*A. Required landscape buffering is in accordance with the Landscape Buffer Matrix (Table A), which establishes buffer types and requirements from abutting uses. Figure A illustrates the planting requirements for each buffer type. The buffer width requirements are based on two landscaping alternatives: the provision of landscaping only or the provision of landscaping with a fence, decorative masonry wall or berm. Where a wall or fence is provided or required by this section, all landscaping shall be in front of the wall or fence. All landscape buffers are required to be irrigated with an in-ground water efficient system and, where possible, utilize reclaimed water.*

### Applicant's Request

1. To meet the required landscape buffer width and planting requirement, but place the landscaping on the inside of the fence along the west and south boundaries (Exhibit B). There is no change to the location of the landscaping along McMullen Drive or Pompano Street, which is in front of the fence as required.

It is noted that the revised Landscape Plan submitted shows three existing Oaks (46", 32" and 18" DBH) located at the southwestern corner of the property are to be retained. The original approved Landscape Plan did not show these trees to be removed, nor has any tree removal permit been found proposing or approving removal of these trees.

### Town Commission Variance Review Criteria

The University has submitted variance application to Sec. 12.2 Landscape Buffers between Incompatible Uses, related to the required landscape buffer be placed on the outside of a fence or wall (Exhibit B). Pursuant to the LDC (Section 9.2 A and B- Variance Hardship Criteria):

*In making a decision on a variance request, the Town Commission shall consider the variance hardship criteria listed below.*

*All variance applications shall include responses by the applicant to the following criteria:*

1. *State the special conditions and/or circumstances applying to the building or other structure or land for which such variance is sought.*
2. *Are the special conditions and/or circumstances peculiar to the property, structures, or buildings, and do not apply generally to neighboring lands, structures, or buildings in the same zoning district.*
3. *Are the existing conditions and/or circumstances such that:*
  - a. *The strict application of the provisions of this Chapter would deprive the applicant of reasonable use of said land, building, or structure; and*
  - b. *The peculiar conditions and circumstances pertaining to the variance request are not the result of the actions by the applicant.*
4. *The variance request is in harmony with and serves the general intent and purpose of this Chapter and the Comprehensive Plan including, but not limited to, important visual corridors (as adopted by resolution No. 01-03) and maintaining the Town's rural character.*
5. *That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.*
6. *That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Chapter and the individual hardships that will be suffered by a failure of the Town Commission to grant a variance.*

### Variance Analysis

The Applicant has provided a justification narrative addressing the above criteria (Appendix A). The proposed landscaping relocated to the inside the fence meets the landscape buffer planting requirements.



It is noted that the variance request is a self-created hardship as this issue could have been addressed at the original 2014 site plan review submission, and further, there are other options for achieving compliance:

1. Negotiate a letter of agreement with the adjacent property owners granting the University permission to access the landscape buffer for maintenance purposes, or
2. Add gates to the existing fence in order to access the landscaping for maintenance, or
3. Move the fence back another five (5) feet allowing sufficient room to conduct maintenance.

Implementation of any of the above would not deprive reasonable use of the property; again as noted, this is a self-created hardship, not due to any LDC requirement or unreasonable conditions that have been placed on the previous development approvals for the Plant Operations facility.

To-date, no letters of objection from the adjacent impacted property owners have been received.

#### Town Commission Decision Alternatives

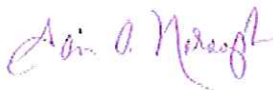
The Town Commission has at least two decision-making alternatives:

**Alternative #1:** The Town Commission APPROVES SPR/VAR #14-A Minor Modification #2 Granting Approval of the Requested Variance to provide the landscape buffer on the inside of the fence and Granting Approval of the Revised Landscape Plan for the Plant Operations project as submitted, (Exhibit B and Appendix A). The project remains subject to the conditions of SPR/VAR#14-A approved on August 11, 2014 and all subsequent minor modification approvals.

**Alternative #2:** The Town Commission DENIES SPR/VAR #14-A Minor Modification #2 Variance Request to provide the landscape buffer on the inside of the fence for the Plant Operations project as the hardship is self-created and no other substantial hardship pursuant to the variance criteria has been demonstrated.

The University shall submit a revised landscape plan prior to final building inspection for the Plant Operations Facility for approval by the Town Planner that retains the three existing Oaks located at the southwestern corner as shown on the Landscape Plan submitted with the application, and retaining the landscaping on the outside of the fence. The University has at least three options for achieving this requirement:

1. Negotiate a letter of agreement with the adjacent property owners granting the University permission to access the landscape buffer for maintenance purposes, or
2. Add gates to the existing fence in order to access the landscaping for maintenance, or
3. Move the fence back another five (5) feet or more to allow sufficient room to conduct maintenance.



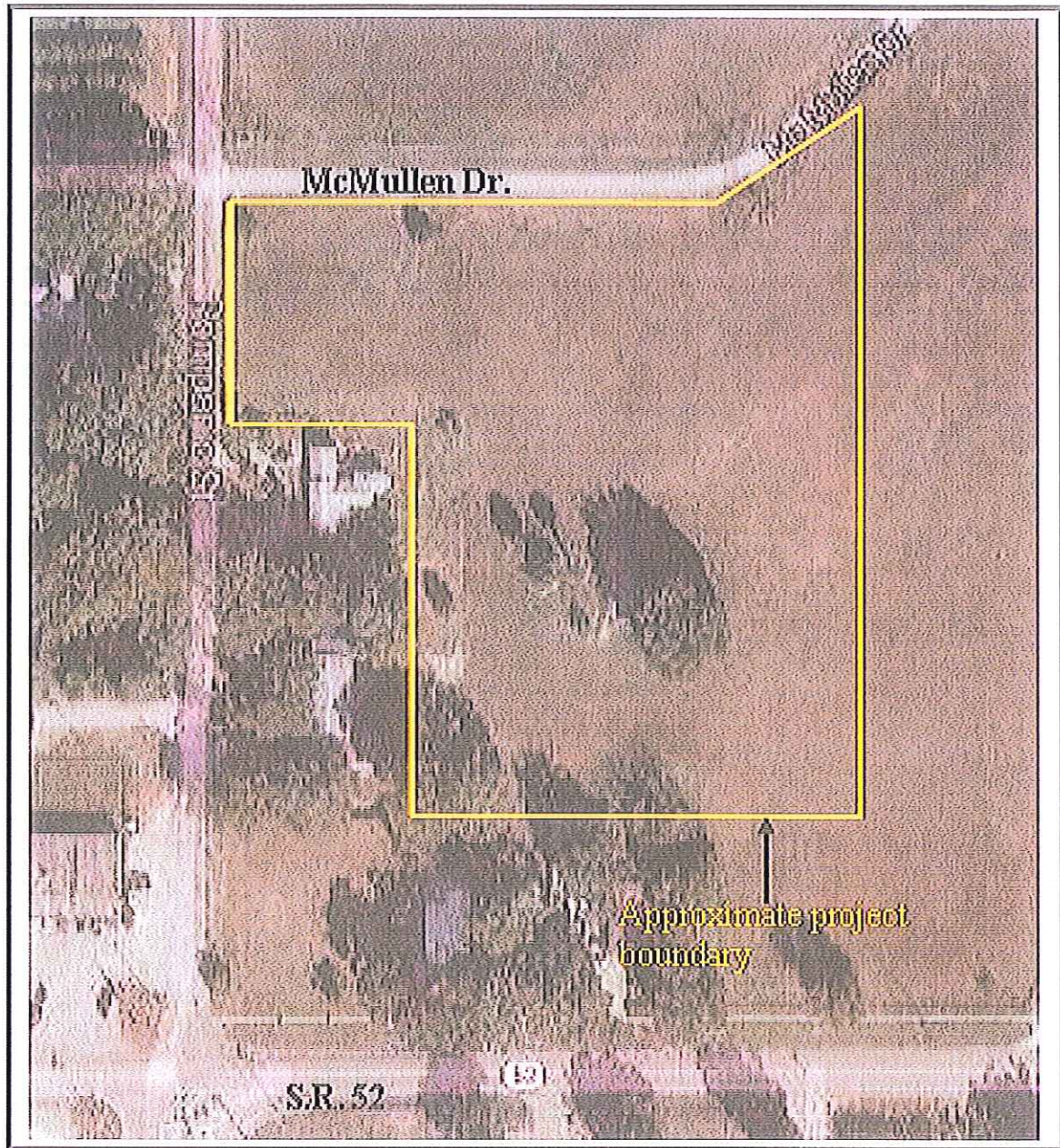
Engelhardt, Hammer & Associates, Inc.  
Town of St. Leo Planning Consultant

*Engelhardt, Hammer & Associates reserves the right to update this report upon becoming aware of new or updated information.*



# EXHIBIT A

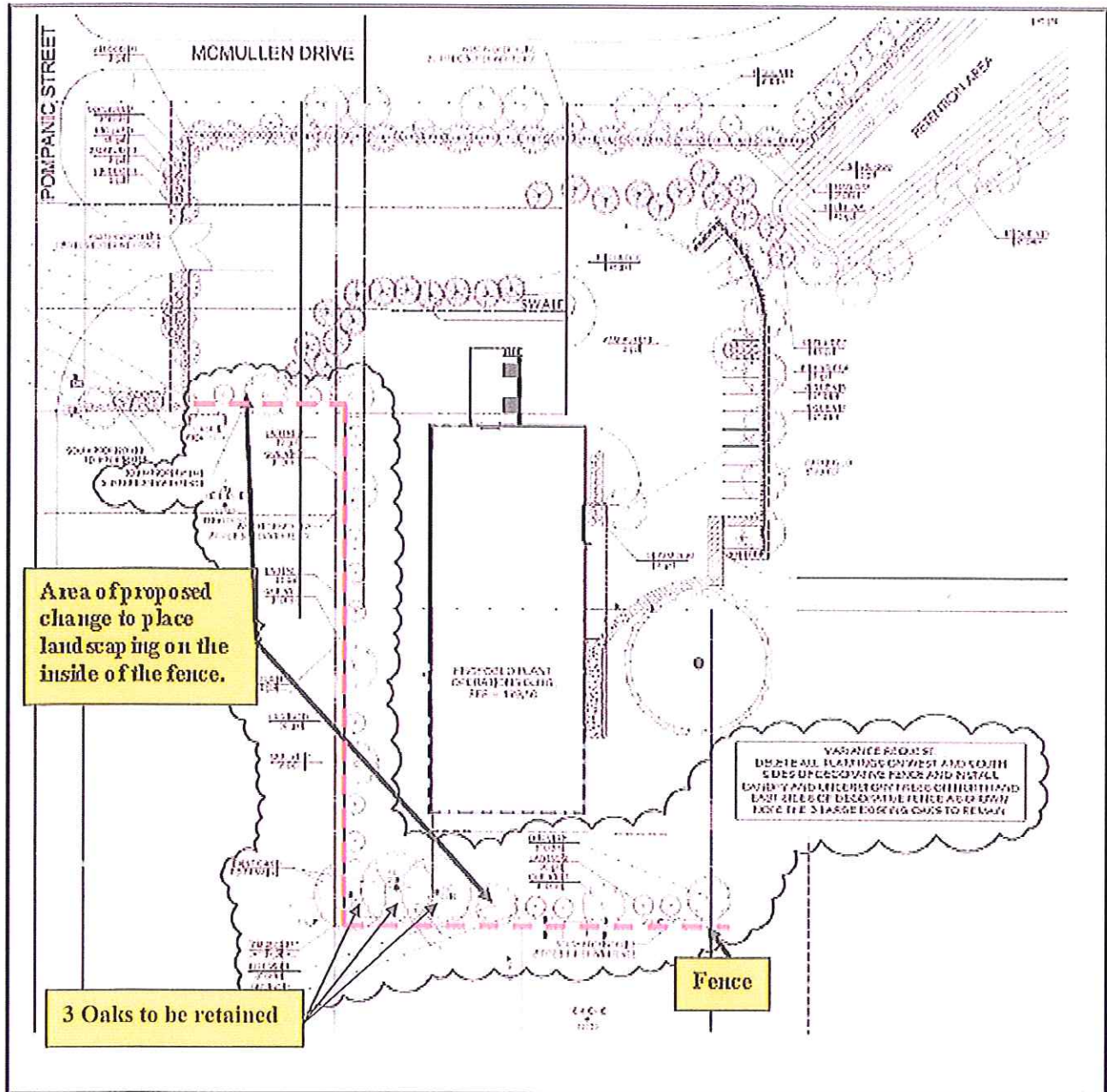
## Aerial Map





# EXHIBIT B

## Proposed Revised Landscape Plan





## **APPENDIX A**

- **Application**
- **Variance Justification Narrative**
- **Full Size Landscape Plan**



**APPLICATION FOR VARIANCE  
BY THE ST. LEO TOWN COMMISSION**

NOTE: All applications are to be filled out completely and correctly, and submitted to the Town Clerk by the scheduled deadline date. It is incumbent upon the applicant to submit correct information. Any misleading, deceptive, incomplete or incorrect information may invalidate your approval. Applicant, or applicant's representative, must be present at the public hearing. The Public Hearing will be conducted pursuant to Quasi-Judicial Proceedings.

Fee for each related Variance: \$ 25.00 (See Note A below)

Staff Use Only

APPLICATION NO. \_\_\_\_\_ Date Rec'd 11-13-15 Date Sufficiency Determined \_\_\_\_\_  
Public Hearing Date \_\_\_\_\_

APPLICANT (Title Holder(s)) Saint Leo University

Address 33701 State Road 52, Saint Leo, Florida Zip 33574 Phone 352.588.8215

Representative Eric Weekes, Vice President & CFO

Address 33701 State Road 52, Saint Leo, Florida Zip 33574 Phone 352.588.8215

Architect/Engineer Lunz Prebor Fowler Architects

Address 58 Lake Morton Drive, Lakeland, Florida Zip 33801 Phone 863.682.1882

When Property Title Obtained April 25, 2014

Legal Description Southeastern quadrant of McMullen Drive and Pompano Street intersection

PIN Number(s) [County] 01-25-20-0000-01800-0010

General Location (Address) 33701 State Road 52, Saint Leo, Florida

Applicant acknowledges that a Certificate of Occupancy (CO) will not be granted until all required inspections are completed and fees paid.

Signature \_\_\_\_\_

\_\_\_\_\_  
Title Holder(s)/Owner(s)

Date

11/5/2015

List all requested Variances here:

1) see attached.

2) \_\_\_\_\_

3) \_\_\_\_\_

The applicant must also submit with the application, a Variance Justification Statement addressing the attached criteria. The applicant is required to submit a site plan and/or drawings or photographs to illustrate the requested variance.

**NOTE A**

In addition to the application fee, the applicant will be billed for the actual expenses related to the Town of St. Leo's Planning Consultant review of the application. This may include, but not be limited to, time spent reviewing the application for completeness, preparing a report to the Town Commission, telephone conversations and/or written correspondence to the applicant and attending any meetings with the applicant, including the public hearing meeting. The Town Commission may request an advanced partial payment based on an estimate of the Planning Consultant's fees and expenses.



Saint Leo University  
Plant Operations Relocation Landscape Buffer  
Variance Request

1. Along the west and south property line immediately opposite the new plant operations building, delete all the buffer plantings in the 5' landscape strip between the property line and 6' vinyl decorative fence and instead, in order to still provide a visual buffer, install the same number of canopy trees and understory trees on the university side of the fence, as shown on the accompanying plan.

Saint Leo University  
Plant Operations Relocation Landscape Buffer  
Variance Justification Statement

1. State the special conditions and/or circumstances applying to the building or other structure or land for which such variance is sought.

The Plant Operations Site Plan Review approval calls for a solid fence and 5' wide landscape planting strip, with the landscape strip facing the adjacent property owners. The landscape is a combination shrubs (Ligustrum), understory trees (Crape Myrtle) and canopy trees (Live Oak).

The dilemma is that a 5' wide planting strip is not wide enough to provide access to the plants for maintenance. The university would have to trespass on private property with personnel and vehicles which is clearly an undesirable and unworkable situation.

The intent of the ordinance is to provide a visual buffer between the different land uses. In keeping with the intent of the ordinance the university proposes to install the same number of understory and canopy trees on the plant operations side of the solid decorative fence. The tree foliage will provide the same amount of visual buffer regardless of what side of the fence it is planted. By virtue of being on the plant operations side the trees can be properly accessed and maintained by the university without trespassing on private property.

2. Are the special conditions and/or circumstances peculiar to the property, structures, or buildings, and do not apply generally to neighboring lands, structures, or buildings in the same zoning district.

This special condition is unique to this specific location with regard to the university and has no bearing on neighboring lands, structures, or buildings.

3. Are the existing conditions and/or circumstances such that:
  - a. The strict application of the provisions of the Chapter would deprive the applicant of reasonable use of said land, building, or structure.

Yes; if a certificate of occupancy for the new plant operations building was denied due to this then the university would be deprived of reasonable use of said land and building.

- b. The peculiar conditions and circumstances pertaining to the variance request are not the results of the actions by the applicant.



Correct; they are the result of complying in good faith with the Town's Land Development Code and Site Plan Review approval.

4. The variance request is in harmony with and serves the general intent and purpose of this Chapter and the Comprehensive Plan.

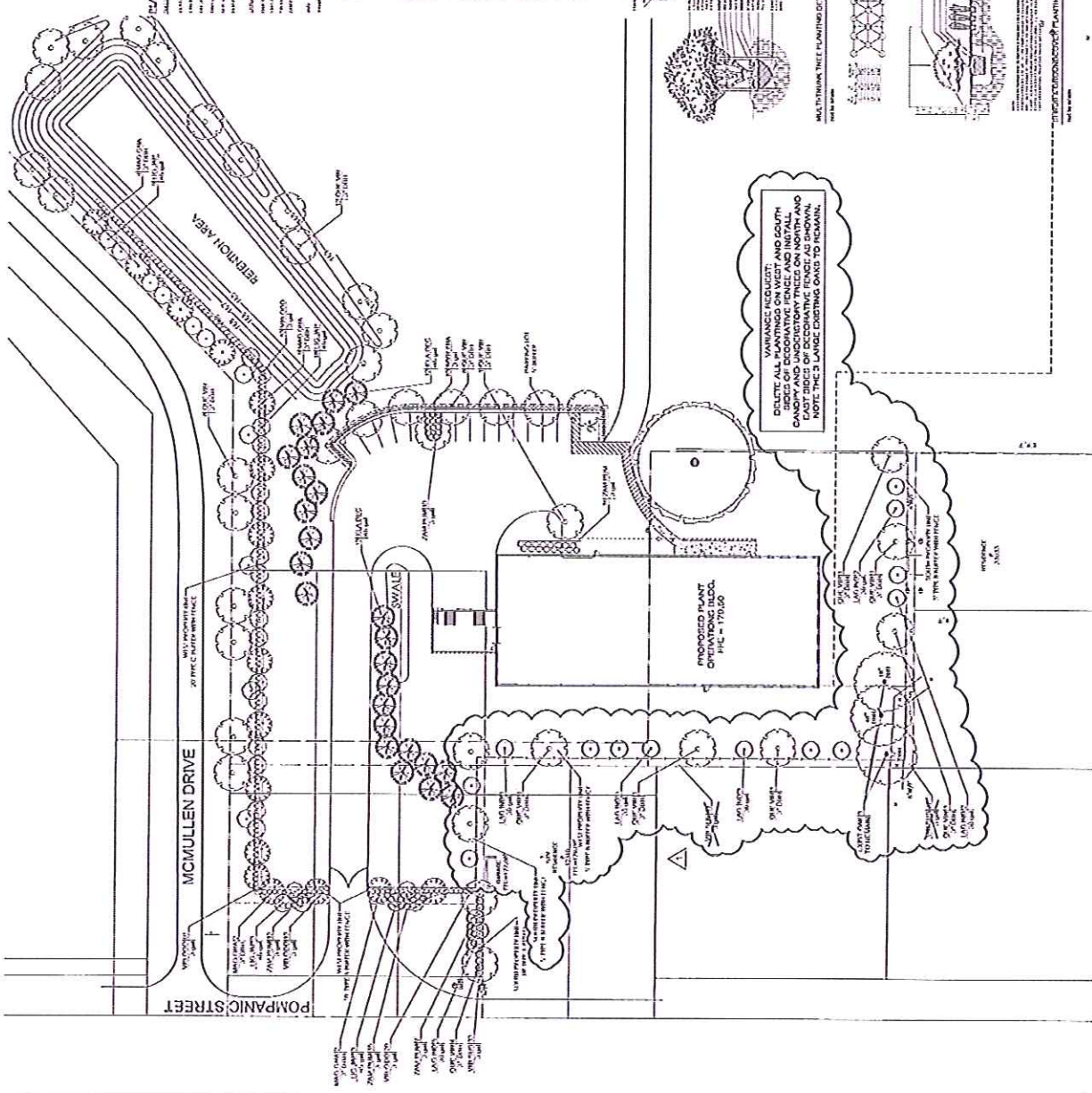
Correct; the proposed solution meets the intent of the Land Development Code.

5. That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

This variance does not interfere in any way with the adjacent property usage or rights.

6. That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Chapter and the individual hardships that will be suffered by a failure of the Town Commission to grant a variance.

Correct.



PLANT SCHEDULE

Code	Plant Name	Quantity	Notes
1000	1000	1000	1000
1001	1001	1001	1001
1002	1002	1002	1002
1003	1003	1003	1003
1004	1004	1004	1004
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LANDSCAPE CONFORMANCE

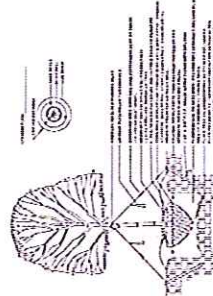
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- 1.2. All plants shall be installed in accordance with the following specifications:
- 1.3. All plants shall be installed in accordance with the following specifications:
- 1.4. All plants shall be installed in accordance with the following specifications:
- 1.5. All plants shall be installed in accordance with the following specifications:
- 1.6. All plants shall be installed in accordance with the following specifications:
- 1.7. All plants shall be installed in accordance with the following specifications:
- 1.8. All plants shall be installed in accordance with the following specifications:
- 1.9. All plants shall be installed in accordance with the following specifications:
- 1.10. All plants shall be installed in accordance with the following specifications:

LANDSCAPE INSTALLATION

1. All plants shall be installed in accordance with the following specifications:

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- 1.8. All plants shall be installed in accordance with the following specifications:
- 1.9. All plants shall be installed in accordance with the following specifications:
- 1.10. All plants shall be installed in accordance with the following specifications:



THE PLANTING DETAIL

THE PLANTING DETAIL



San Leo University New Plant Operations Office Warehouse

1001.05

L-101